

REMARKS

Claims 12-15 are pending. Claims 13-15 are newly added dependent claims. Support for these new claims can be found throughout the specification, for example, in the original claims. No new matter has been added.

Claims 1-11 have been cancelled without prejudice to the subject matter disclosed therein. Applicant expressly reserves the right to pursue the subject matter of the cancelled claims in this application or in another application.

Examiner Interview

Applicant thanks the Examiner for the courtesy of interviewing this case on April 7, 2009. In accordance with that discussion, Applicant has provided additional evidence in the form of the attached inventor declaration.

Rejections under 35 U.S.C. §103(a)

The Examiner has maintained the previous rejections of the claims under 35 U.S.C. §103(a) in view of the references cited in the Office Action at pages 2-5. Applicant traverses.

To expedite prosecution, claim 1 has been cancelled and only claim 12 and its newly added dependent claims remain pending. Claim 12 recites the claimed method using a "consisting essentially of" transition. As discussed with the Examiner, this claim is directed to those steps recited in claim 12 plus any non-material additions because of the "consisting essentially of" transition. As the Declaration from Katarina Pock indicates, the addition of a chromatographic step, such as those in the prior art, would be considered a material addition. See Declaration at paragraphs 4 and 6-8. Such methods lie outside the claim and do not teach or suggest the claimed method or its advantages. See Declaration at paragraphs 5-8.

For at least these reasons, this obviousness rejection is improper and/or has been overcome. Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicant requests that the Examiner issue a Notice of Allowance indicating the allowability of the claims and that the application be passed to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

The Commissioner is authorized to charge any deficiency in any patent application processing fees pursuant to 37 CFR §1.17, including extension of time fees pursuant to 37 CFR §1.17(a)-(d), associated with this communication and to credit any excess payment to Deposit Account No. 22-0261.

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Respectfully submitted,

By Matthew E. Kelley
Ann S. Hobbs

Registration No.: 36,830
Matthew E. Kelley
Registration No.: 55,887
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998
(202) 344-4000
(202) 344-8300 (Fax)
Attorney/Agent For Applicant

#1039935v1